

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS
STATE OF MISSOURI

MICHAEL GREEN

Plaintiff,

vs.

No. _____

ROADONE INTERMODALOGISTICS, LLC,
a Delaware Corporation, BNSF RAILWAY
COMPANY, and ANY OTHER DEFENDANTS
CURRENTLY UNKNOWN,

Defendants.

Please Serve Summons On

CSC-Lawyers Incorporating
Service Company
Registered Agent for
RoadOne IntermodaLogistics, LLC
221 Bolivar St.
Jefferson City, MO 65101
and
BNSF Railway Company
Corporate Agent
2135 E. Sunshine, Ste 203
Springfield, MO 65804

PETITION

COUNT I

Comes now the Plaintiff, MICHAEL GREEN, by and through his attorneys, PRATT & TOBIN, P.C., and for Count I of his cause of action against the Defendant, ROADONE INTERMODALOGISTICS, LLC, a Delaware Corporation, (ROADONE) and ANY OTHER DEFENDANTS CURRENTLY UNKNOWN, and states as follows:

1. Plaintiff, MICHAEL GREEN, was an employee of Southern Intermodal, a Corporation, (SOUTHERN) on or about March 25, 2016. Upon information and belief, SOUTHERN is one of BNSF RAILWAY COMPANY's (BNSF) subcontractors. Upon information and belief, ROADONE is also one of BNSF's subcontractors. Upon information and belief, SOUTHERN AND ROADONE pick up shipping containers from BNSF's Lindenwood Yard, located in St. Louis, Missouri.

2. That on or about March 25, 2016, Plaintiff, MICHAEL GREEN, was working for SOUTHERN. His job was to go to BNSF's Lindenwood Yard in St. Louis, Missouri, to fix vehicles.

3. That on or about March 25, 2016, Plaintiff MICHAEL GREEN was in the process of fixing one of ROADONE's vehicles, in the BNSF Lindenwood Yard when Plaintiff, MICHAEL GREEN, was ran over by one of ROADONE's vehicles, that was being operated by a ROADONE employee and or agent. Plaintiff, MICHAEL GREEN's, right ankle, ribs, and body were injured as a result thereof.

4. At said time and place, Defendant, ROADONE, and its employees and agents owed Plaintiff, MICHAEL GREEN, a duty of ordinary care.

5. It was then and there that Defendant, ROADONE, and by and through its employees and agents breached its duty that it owed to the Plaintiff, MICHAEL GREEN, by negligently injuring his right ankle, ribs, and body.

6. That the Defendant, ROADONE, and by and through its employees and agents breached its duty of care that it owed to the Plaintiff, MICHAEL GREEN, and was guilty of negligence thereby, in one or more the following ways:

- a. Failed to provide proper training to their employees; and/or
- b. Failed to sufficiently supervise their employees and the work yard; and/or
- c. Failed to warn Plaintiff of the dangerous conditions; and/or
- d. Failed to provide proper and safe equipment; and/or
- e. Failed to provide a safe joint workspace; and/or
- f. Failed to keep a proper lookout; and/or
- g. Failed to reduce speed to avoid an accident; and/or
- h. Failed to properly apply their brakes; and/or
- i. Failed to maintain control of their vehicle; and/or
- j. Failed have a spotter to assist its employees; and/or
- k. Allowed its employees to work shorthanded; and/or
- l. Allowed unsafe practices to take place.

7. That as a direct and proximate result of Defendant, ROADONE's negligence, the Plaintiff, MICHAEL GREEN, injured his right ankle, ribs, and body.

8. That as a direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant and its employees, the Plaintiff then and there sustained permanent injuries. The Plaintiff suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. The Plaintiff has suffered disfigurement and will in the future. The Plaintiff has suffered a loss of a normal life and will in the future. The Plaintiff has suffered a loss of earning capacity. The Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of his injuries, has sustained lost wages, and will in the future.

WHEREFORE, Plaintiff, MICHAEL GREEN, prays that judgment be entered against the Defendant, ROADONE INTERMODALOGISTICS, LLC, a Delaware Corporation, and ANY OTHER DEFENDANTS CURRENTLY UNKNOWN, in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), and the costs of this action and whatever other remedy this Court deems appropriate.

MICHAEL GREEN, Plaintiff

PRATT & TOBIN, P.C.

BY: 
ZACHARY W. TOBIN - #72170
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P. O. Box 179
East Alton, IL 62024
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**NOTE: PLAINTIFF DEMANDS
TRIAL BY JURY AS TO ALL
COUNTS**

ATTORNEYS FOR PLAINTIFF

COUNT II

Comes now the Plaintiff, MICHAEL GREEN, by and through his attorneys, PRATT & TOBIN, P.C., and for Count II of his cause of action against the Defendant, BNSF RAILWAY COMPANY, and ANY OTHER DEFENDANTS CURRENTLY UNKNOWN, and states as follows:

1. Plaintiff, MICHAEL GREEN, was an employee of Southern Intermodal, a Corporation, (SOUTHERN) on or about March 25, 2016. Upon information and belief, SOUTHERN is one of BNSF RAILWAY COMPANY's (BNSF) subcontractors. Upon

information and belief, ROADONE is also one of BNSF's subcontractors. Upon information and belief, SOUTHERN AND ROADONE pick up shipping containers from BNSF's Lindenwood Yard, located in St. Louis, Missouri.

2. That on or about March 25, 2016, Plaintiff, MICHAEL GREEN, was working for SOUTHERN. His job was to go to BNSF's Lindenwood Yard in St. Louis, Missouri, to fix vehicles.

3. That on or about March 25, 2016, Plaintiff MICHAEL GREEN was in the process of fixing one of ROADONE's vehicles, in the BNSF Lindenwood Yard when Plaintiff, MICHAEL GREEN, was ran over by one of ROADONE's vehicles, that was being operated by a ROADONE employee and or agent. Plaintiff, MICHAEL GREEN's, right ankle, ribs, and body were injured as a result thereof.

4. At said time and place, Defendant, BNSF, and its employees and agents owed Plaintiff, MICHAEL GREEN, a duty of ordinary care.

5. It was then and there that the BNSF by and through its employees and agents had a duty to properly supervise and train BNSF, SOUTHERN, and ROADONE employees and agents, including the Plaintiff, MICHAEL GREEN, to prevent accidents and injuries such as the one that took place on said date and time and at said place including properly supervising and training BNSF, SOUTHERN, and ROADONE employees and agents, in an effort to prevent said employees and agents from running over the Plaintiff, injuring his right ankle, ribs, and body.

6. That the Defendant, BNSF, and by and through its employees breached its duty of care to the Plaintiff, MICHAEL GREEN, and was guilty of negligence thereby, in one or more the following ways:

- a. Failed to provide proper training to its employees, agents, and subcontractors; and/or
- b. Failed to sufficiently supervise its employees, agents, and subcontractors and the work yard; and/or
- c. Failed to warn Plaintiff of the dangerous conditions; and/or
- d. Failed to provide proper and safe equipment; and/or
- e. Failed to provide a safe joint workspace; and/or
- f. Failed have a spotter to assist its employees, agents, and subcontractors; and/or
- g. Allowed its employees, agents, and subcontractors to work shorthanded; and/or
- h. Allowed unsafe practices to take place.

7. That as a direct and proximate result of Defendant, BNSF's negligence the Plaintiff, MICHAEL GREEN, injured his right ankle, ribs, and body.

8. That as a direct and proximate result of one or more of the aforementioned careless and negligent acts and/or omissions of the Defendant and its employees, the Plaintiff then and there sustained permanent injuries. The Plaintiff suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. The Plaintiff has suffered disfigurement and will in the future. The Plaintiff has suffered a loss of a normal life and will in the future. The Plaintiff has suffered a loss of earning capacity. The Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of his injuries, has sustained lost wages, and will in the future.

WHEREFORE, Plaintiff, MICHAEL GREEN, prays that judgment be entered against the Defendant, BNSF RAILWAY COMPANY, and ANY OTHER DEFENDANTS CURRENTLY UNKNOWN, in a sum in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), and the costs of this action and whatever other remedy this Court deems appropriate.

MICHAEL GREEN, Plaintiff

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